

REMARKS1. Status of the Claims

Claims 61-82 and 149-164 were pending as of the Official Action mailed August 11, 2004 (hereinafter the "Action"). Claims 68 and 150-156 are canceled herein. Accordingly, claims 61-67, 69-82, 149, and 157-164 are currently pending. Applicants respectfully request that the amendments above be entered into the record. Reconsideration and re-examination of the present application in view of the amendments above and the remarks below is respectfully requested.

2. The Priority Claim

The Examiner asserts on page 2 of the Action that the Applicants should amend the priority data on page 1 of the specification. As discussed in an Examiner's Interview of February 1, 2005 (see below), the priority data was correctly amended in the Response to Office Action, which Response was mailed May 4, 2004. No further amendment is required per the Examiner as stated in the Examiner's Interview of February 1, 2005.

3. Examiners Interview of February 1, 2005

The undersigned conducted an Interview with Examiner F. Pierre VanderVegt, Ph.D. on February 1, 2005 (hereinafter the "Examiner's Interview"). Dr. VanderVegt indicated in the Examiner's Interview that the claims would be allowable if related to "an insect synthetic antigen presenting cell" instead of "an eukaryotic poikilothermic synthetic antigen presenting cell" and if the specific accessory molecules listed in claim 153 were included in claim 61 (contingent upon the approval of the Examiner's supervisor).

Also in the Examiner's Interview, Dr. VanderVegt stated that he missed the amendment to the priority claim which amendment was mailed on May 4, 2004. Dr. VanderVegt further stated that the priority claim required no further amendment at this time, thus, Applicants consider the issue of the priority claim resolved.

4. Claim Rejection: Enablement of Accessory Molecules

Claims 61-71, 73, 75, 77-82, 149-152, and 157-160 are rejected on page 2 of the Action under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for accessory molecules selected from the costimulatory molecules B7.1 and B7.2, the adhesion molecules ICAM-1, ICAM-2, ICAM-3 and LFA-3 and the survival molecules Fas ligand and CD70, allegedly does not reasonably provide enablement for other types of accessory molecule. The present rejection is respectfully traversed.

In view of the amendments to the claims above, it is believed that the present rejection is moot. However, Applicants do not acquiesce to the grounds for rejection for the reasons of record. Furthermore, Applicants reserve the right to pursue the canceled subject matter in a continuing application.

5. Claim Rejection: Written Description of "Poikilothermic Synthetic Antigen Presenting Cell"

Claims 61-71, 73, 75, 77-82, 149-152, and 157-160 are rejected on page 3 of the Action under 35 U.S.C. 112, first paragraph, as containing subject matter which allegedly was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse the present rejection.

In view of the amendments to the claims above, it is believed that the present rejection is moot. However, Applicants do not acquiesce to the grounds for rejection for the reasons of record. Furthermore, Applicants reserve the right to pursue the canceled subject matter in a continuing application.

6. Claim Rejection: Enablement of "Other Poikilothermic Cells"

Claims 61-71, 73, 75, 77-82, 149-152, and 157-160 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for making and using synthetic MHC class II positive antigen presenting cells via transfection of insect cells, allegedly does not reasonably provide enablement for utilizing cells from other poikilothermic organisms. The present rejection is respectfully traversed.

In view of the amendments to the claims above, it is believed that the present rejection is moot. However, Applicants do not acquiesce to the grounds for rejection for the reasons of record. Furthermore, Applicants reserve the right to pursue the canceled subject matter in a continuing application.

7. Claim Objections

Claims 72, 74, 76, 153-156, and 161-164 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

In view of the amendments to the claims above, it is believed that the present objection is moot. However, Applicants do not acquiesce to the grounds for objection for the reasons of record. Furthermore, Applicants reserve the right to pursue the canceled subject matter in a continuing application.

CONCLUSION

Claims 61-67, 69-82, 149, and 157-164 are currently pending. The Applicants respectfully submit that all pending claims are in condition for allowance and request that the Examiner allow all pending claims.

No new matter is added by way of the present Response.

The Examiner is requested to contact the representative for the Applicants, to discuss any questions or for clarification.

If there are any further fees associated with this response, the Director is authorized to charge our Deposit Account No. 19-0962.

Respectfully submitted,

Feb. 10, 2005
Date

Michael J. McCarthy
Michael J. McCarthy, Reg. No. 46,910

THE SCRIPPS RESEARCH INSTITUTE
Office of Patent Counsel
10550 North Torrey Pines Road
Mail Drop TPC-8
La Jolla, California 92037
(858) 784-2937